IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1810 (SS) OF 2001

(Old No. 17541 of 2000)

Santosh Kumar Lohani,
S/o late Mahesh Chandra Lohani,
At preent working as Stenographer,
In the office of the Up-Zila Adhikari,
Kap-kot, District-Bageshwar. .....Petitioner.

Versus

1. State of U.P., through the Revenue Secretary, U.P. Shasan, Lucknow.
2. Commissioner, Kumaon Mandal, Nainital.
3. District Magistrate, Bageshwar.
4. Up-Zila adhikari, Kap-kot, District-Bageshwar.

.....Respondents.

Dated: 08.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Kandpal, Sr. Advocate, assisted by Sri S.S. Chaudhary, Advocate for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to permit the petitioner to continue as stenographer in the office of the Up-Zila Adhikari, Kapkot, Bageshwar in the pay-scale of Rs. 4000-6000. Further prayer has been made for a writ of mandamus commanding and directing the respondents not to give artificial break in the service of the petitioner.

3. Briefly stated, on 18.11.1998, the petitioner was temporarily appointed as Stenographer in the pay-scale of Rs. 1200-2040, which was revised from time to time for a period of 89 days or the date of regular appointment, whichever is earlier.

4. The grievance of the petitioner is that from time to time, appointment was given to him on temporary basis and since 1998, he is working on the basis of the Government Order dated 22nd December, 1997 by which the new post of Stenographer in the office of the Up-Zila Adhikari, Kapkot, District Bageshwar was created.

5. A supplementary counter affidavit has been filed along with a stay vacation application in which it has been stated in paragraph 3 of the Supplementary Counter Affidavit that the petitioner has not qualified the short hand examination for the post of Stenographer and therefore, he cannot be given regular appointment on the said post.

6. The petitioner has filed a letter dated 7th January, 2006, which has been passed by the District Magistrate, Bageshwar in which he has recommended the name of the petitioner for regularization on the post of Stenographer. The same be taken on the record.

7. In view of the aforesaid, since the petitioner is still continuing, liberty is given to the petitioner to approach the authority concerned/Commissioner Kumaon within a period of two weeks from the date of production of the certified copy of this order, who shall pass appropriate orders considering the case of the petitioner and shall dispose of the

representation of the petitioner within four weeks thereafter in accordance with law.

8. Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

08.08.2006
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